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OFFICE OF PETITIONS

In re Jeremy A. Kenyon et al.
Application No.: 09/399,065
Filed: September 18, 1999
Patent No.: 6,973,475
Issued: December 6, 2005

:
: **DECISION**
: **GRANTING-IN-PART**
: **PETITION**
:

This is a decision on the March 10, 2006 petition titled "Petition For Reprinted Letters Patent Under 37 C.F.R. § 1.181," which requests U.S. Patent No. 6,973,475 ("the '475 patent") to be reprinted with the corrected drawings of record ("the March 10, 2006 petition").

The March 10, 2006 petition is before the Office of Patent Legal Administration (OPLA) for consideration.

The March 10, 2006 petition is **granted-in-part**.

Application No. 09/399,065 ("the '065 application") was filed on September 18, 1999, pursuant to the provisions of 35 U.S.C. § 111 with five sheets of drawings.

The '065 application Image File Wrapper record reveals, in pertinent part:

- (i) a November 10, 1999 Notice of Draftsperson's Patent Drawing Review objecting to the September 18, 1999 drawings;
- (ii) a July 8, 2002 submission of six sheets of corrected drawings; and
- (iii) a June 28, 2005 Notice of Allowability identifying the July 8, 2002 drawings as being accepted by the Examiner.

The '065 application issued as the '475 patent on December 6, 2005 with the September 18, 1999 five sheets of drawings.

The March 10, 2006 petition seeks to have the '475 patent reprinted using the July 8, 2002 six sheets of drawings.


A patent may be reprinted where there is a mistake on the part of the Office, and a certificate of correction is deemed inappropriate in form.¹ A certificate of correction is typically appropriate in form where the errors are less than substantially the entire document. In particular, a certificate of correction is the normal mechanism for correcting a patent where, as here, the patent was printed with drawings, but not with a version of the drawings that was both the most recent of record and had been accepted by the Examiner.

Therefore, to the extent that the March 10, 2006 petition is requesting a corrected patent in accordance with 37 CFR 1.322(b), the petition is dismissed, and a certificate of correction will issue instead to delete in the '475 patent the September 18, 1999 five sheets of drawings and substitute therefor the July 8, 2002 six sheets of drawings.

The Office, however, can provide a courtesy corrected reprint for patent owner's records. Therefore, the March 10, 2006 petition is granted to the extent that the Office will provide a courtesy corrected reprint of the '475 patent for patent owner's records. Although a courtesy corrected reprint of the '475 patent will be provided for patent owner's records, the Image for the '475 patent in the USPTO Patent Full-Text and Image Database maintained by the Office will contain the original printed patent with the September 18, 1999 five sheets of drawings followed by the July 8, 2002 six sheets of drawings in the form of a Certificate of Correction.

The application file is being forwarded to Ms. Mary Diggs, Office of Data Management, for issuance of: (1) a certificate of correction deleting the September 18, 1999 five sheets of drawings and substituting therefor the July 8, 2002 six sheets of drawings.; and (2) a courtesy corrected reprint to be mailed to the patent owner.

Any inquiry concerning this decision should be directed to Raul Tamayo, Legal Advisor, at (571) 272-7728.



Robert A. Clarke
Director
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

¹ See: 35 U.S.C. § 254; 37 CFR 1.322(b).